

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OLLNOVA TECHNOLOGIES LTD.,

Plaintiff,

v.

ECOBEE TECHNOLOGIES ULC d/b/a
ECOBEE,

Defendant.

Case No. 2:22-cv-00072-JRG

The Honorable J. Rodney Gilstrap

**DEFENDANT'S UNOPPOSED MOTION TO APPROVE SUPERSEDEAS BOND AND
STAY EXECUTION OF THE FINAL JUDGMENT**

Pursuant to Rule 62(b) of the Federal Rules of Civil Procedure, Local Rule CV-62, and the Court's Final Judgment (Dkt. No. 237), Defendant ecobee Technologies ULC d/b/a ecobee ("ecobee") hereby files this unopposed motion to approve the posted supersedeas bond and to stay execution of the final judgment against ecobee in this case. Counsel for ecobee conferred with counsel of Plaintiff Ollnova Technologies Ltd. ("Ollnova"), and Ollnova does not oppose this motion. In support of the motion, ecobee states as follows:

1. On March 1, 2024, the Court entered judgment in favor of Ollnova and against ecobee, awarding compensatory damages in the amount of "\$11,500,000 US Dollars . . . all of which is a reasonable royalty in the form of a one-time lump sum payment," as well as interest and costs. Dkt. No. 237 at 2.

2. Fed. R. Civ. P. 62(a) provides that "execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry." Under Fed. R. Civ. P. 62(b), ecobee may obtain a further stay by providing a bond, which will take effect when the Court approves the bond.

3. As security, ecobee has posted a supersedeas bond, which is attached as Exhibit A. As required by Local Rule CV-62, the bond amount is thirteen million, eight hundred thousand, two hundred fifty and 00/100 U.S. Dollars (\$13,800,250). ecobee also confirms that the security provider, Travelers Casualty and Surety Company of America, is on the Treasury Department's list of certified companies.

4. Considering the protection of the interests in the Judgment provided by the supersedeas bond, any attempt to execute on the Judgment against ecobee would be contrary to ordinary judicial and legal process.

5. Based upon the posting of the supersedeas bond, ecobee desires a stay of execution on the Judgment, or any attempt to execute on the Judgment, and on any proceedings to enforce the Judgment, pending resolution of its appeal of the Judgment to the U.S. Court of Appeals for the Federal Circuit and, if necessary, to the U.S. Supreme Court.

6. For the foregoing reasons, ecobee respectfully requests that the Court enter an Order staying all persons or entities from executing, or attempting to execute, upon the Judgment against ecobee in this case and from filing any proceedings to enforce the Judgment against ecobee pending resolution of the appeal in this case. ecobee further requests that this Court enter an Order approving ecobee's supersedeas bond and granting ecobee such other and further relief to which ecobee may be justly entitled.

Dated: March 28, 2024

Respectfully submitted,

By: /s/ Jennifer Parker Ainsworth
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ecobee Technologies ULC d/b/a ecobee*

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for ecobee met and conferred with counsel for Ollnova and understands that this Motion is unopposed.

By: /s/ Jennifer Parker Ainsworth

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 28th day of March, 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

By: /s/ Jennifer Parker Ainsworth